IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

MONDAY, THE 5TH NOVEMBER 2007 / 14TH KARTHIKA 1929

WP(C).No. 32386 of 2007(E)

PETITIONER:

P.M.PADMANABHAN, S/O.M.K.MADHAVAN NAIR,
SREELEKSHMI BHAVANAM, RAMANKARTHA ROAD,
CHERANALLOOR P.O., PIN: 682034.

BY ADV. SRI.C.R.SIVAKUMAR
SMT.G.VIDYA
SRI.SANTHOSH PETER (MAMALAYIL)

RESPONDENTS:

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1. THE DISTRICT COLLECTOR,
ERNAKULAM CIVIL STATION,
KAKKANADU.

2. THE DEPUTY TAHSILDAR (RR)
KANAYANNUR TALUK,
ERNAKULAM DISTRICT,
COCHIN-11.

3. THE MANAGER SYNDICATE BANK,
BANERJI ROAD, ERNAKULAM.

4. B.JAGADESH, C/O.JAYA SURESH,
'GANESH BHAVANAM', CHERNIYOOR,
NEAR VENKULAM SARASWATHY TEMPLE,
VARKALA, THIRUVANANTHAPURAM DISTRICT.

BY SRI. A.S. KALKURA, SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 05/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.GIRI, J

W.P.(C). 32386/2007

Dated this the 5th day of November, 2007

JUDGMENT

Petitioner stood as a guarantor for the loan availed by the fourth respondent from the third respondent, Bank. The fourth respondent committed default in re-payment. Revenue recovery steps were taken by the Bank. Petitioner is aggrieved by the steps that are being taken against him. Hence this writ petition for a direction to the third respondent to initiate revenue recovery proceedings against the principal debtor.

2. Learned Standing Counsel for the third respondent submits that the revenue recovery steps have been taken against the fourth respondent also. It is also submitted that the steps are being taken against the sureties as such. Submission made in this regard is recorded.

3. Having regard to the facts and circumstances of the case, this writ petition is disposed of directing the third respondent to issue a notice to the petitioner and fourth respondent requiring both of them to come to the office of

the third respondent to work out the modalities for recovering the balance amount due to the Bank from the fourth respondent. Such notice may be issued within one month from the date of receipt of a copy of this judgment which will be produced by the petitioner before third respondent. On receipt of notice and on appearance of the petitioner and the fourth respondent, it is open to the third respondent to fix a re-payment schedule and modalities for recovery of the amount from the fourth respondent. Subject to this right, writ petition is disposed of.

V.GIRI
Judge

mrcs